

Please see the notes and orders at paras.516 to 537 ante and remarks of Finance Department at para 538 ante.

As per High Court orders dt: 30.7.87 in WP No.657/87 74 Workmen of NSC Dam Division were taken back w.e.f. 1.9.1987 without any work on daily wages for excavation of canals and they are willing to go to the places where the manual work can be provided by the Govt. Accordingly the ENC (AW) relieved 74 NMRs on 31.10.1987 to report at TGP where work was available, but the individual did not join and preferred to file SLP for providing them work at Miryalaguda where there is no manual work at all. Hence the Govt. has putforth the fact that there was no work at Miryalaguda. However, the Supreme Court of India has referred it to Labour Court-III, Hyderabad the said court has awarded dt: 1.9.1993 for their reinstatement in the Division and payment. But, the Govt. has rejected the award by its orders dt: 20.1.1994. The individual filed WP No.1090/94. The High Court on 23.4.1997 directed to implement the award of Labour Court-II. The Dept has filed WA No.656/97 against the orders in WP No.1090/94. The Bench declined to give any interim order but suggested to file WP. Accordingly WP No.10045/98 was filed on 10.4.98 and the High Court has granted stay of Labour Court award with certain conditions for implementation and accordingly Govt. had issued orders in GO Rt.No.530, I&CAD (PW.Estt.2) Dept., Dt: 3.7.98 for implementation of conditional stay. An amount of Rs.4,50,000/- was handed over to the Presiding Officer, Labour Court-III, Hyd., for depositing in a bank to earn interest vide Cheque dt: 10.7.98. The arrears at last drawn wages for the period from 1.5.97 to 30.4.98 have been paid to 67 Nos. of petitioners who had turned up and the rest of 7 have not reported and it was presumed that they are either alternatively employed or not available physically. Finally, in GO Rt.No.250, LET &F (Lab.I) Dept, Dt: 31.1.2000 orders were issued withdrawing the notification and the WA No.656/97 was dismissed and WP No.10045/98 has been posted duly

informing that the interim orders have been complied with and it is causing huge financial burden to the Dept., as the wages are being paid every month on 5th of succeeding month without actually engaging them on the work.

The main technical point in the entire issue is that whether the individuals who were engaged earlier to work as NMRs for the seasonal works have been dispensed with after the work for which they were engaged was completed. Hence there may no right for the individuals. However, the Supreme Court / High Court has considered the difficulty being faced by the individuals for their survival humanitarily, might have ordered that they may be taken back. But the spirit of the court orders have appears to be mislead that the individuals may be given work where there is no work at all in the Department, thereby causing huge loss to state exchequer. The individuals if really suffering for their daily hood, would have gone to the TGP or elsewhere, where there is work and whether the Dept. would like to extract the work from them as per the Court orders. But the individuals have approached courts stating that they must be made payment where there is no work at all i.e. without work they wanted payment, which is just abnormal desire.

However, Govt. have implemented the orders and deposited the amount in the Labour Court-III, Hyd, but there is mistake occurred at Govt. side that out of 74 individuals, Govt. made payments to 67 and rest of 7 were left over with presumptions instead of finding their whereabouts etc. Surprisingly it appears that all of them were fighting for the cause for years together even today, thereby another anomaly was created. Further this order cannot be restricted to 74 or 67, but it must have to be inflict to all the similarly placed personnel, with which Govt. may have to incur crores of rupees, with / without extracting any work.

Finally and however, the Law Dept and the AG have opined that there is no possibility to file an appeal in the case and ultimately needs an end it by complying the interim orders

of the High Court dt: 15.3.2004. Ultimately this Dept. proposed to implement the above said orders for which the concurrence of the Finance Department is needed.

Please see the notes at paras 539 to 552 ante and the remarks of the Finance Department at paras 553 - 554 ante.

In this connection, it is also submitted that the Hon'ble High Court in its Interim orders dated 13.3.2004, has passed following orders:

"That if the respondents desire to join the work, they shall be offered work and shall be engaged by the Writ Petitioners and for the period of actual engagement. They shall be paid minimum wages as prescribed under Minimum wages Act. The order of learned Single Judge dated 29.08.2003 shall remain stayed. The amount deposited earlier with the Labour Court in I.D. No. 249/93 may not be withdrawn, but this appeal shall be come up for final hearing positively in the third week of June 2004"

Since the department is incurring expenditure of Rs. 31,100/- per month under NMR Workers wages for years together without extracting any work from them.

When Consulted the Law Department they have stated that the consequential upon the dismissal of W.P.No. 10045/98 filed by the Government against the award passed by the Labour Court-III Hyderabad in I.D.No. 349/93 dated 1.9.1993 by the Hon'ble High Court on 29.8.2003 Government filed W.P. 393/2004. In WAMP No. 761/2004 in W.A. No. 393/2004, the Hon'ble High Court of A.P. in their interim orders passed by the Hon'ble High Court is as extracted in para 205 at page 136 ante. The Spl. Judge who was been consulted regarding the said interim orders of the Hon'ble High Court is stated to have opined that the orders are very clear and advised to implement the Division Bench orders dated 15.3.2004 accordingly. Again when the learned Advocate General has been requested by the Government on 2.6.2005 has in turn in his opinion No. 43/2005 dated 10.7.2005 at P- 963 - 964 besides confirming the said earlier opinion stated that the Government cannot go in appeal

against the said order passed by the Hon'ble High Court in W.A. No. 393/2004 . It is stated that the file that the learned Advocate General has again been reminded vide letter dated 20.9.2005 to take action for early posting of the W.A. No. 393/2004 since the department is incurring huge expenditure towards the wages of NMRs for years together without extracting any work from them , the latest stage of which is not known in the file .

The Law Department has finally stated that since the Govt., cannot go in appeal against the said interim orders as advised by the learned Advocate General so long as the interim orders subsists without any modification or final disposal by the Hon'ble High Court for which steps are being taken, the same may have to be implemented in terms thereof. The Law Department has advised this department to examine the case and take a decision in the matter.

When consulted Finance Department they have agreed the opinion of Law Deptt., and requested this Deptt., to take a suitable decision to implement the interim orders of division bench without any further delay.

In view of the above circumstances stated above, it is for orders whether a decision may be taken on the interim orders of Division bench. After taking a decision, a note for circulation may be put up to Hon'ble CM / Minister (MI).

563. Please see the detailed notes at pages 139 -154 ante, and the representation received from TNTUC Nalgonda District Unit at pages 1053 to 1075 cf and orders of the Secretary (RR) at page 1053 cf.

564. It is submitted that, the file was received on 12.4.2006 in the section. But as desired by the P.S to Secretary (P) the file has been handed over in the peshi of the then Secretary (P) on 13.4.2006. The file has been received on 9.5.2006.

565. In view of the above, the file is re-submitted for taking a decision on the interim orders of division bench, AP High Court.

566. After taking a decision, a note for circulation may be put u to Hon'ble Chief Minister / Minister (MI) for orders.

NOTE FOR CIRCULATION

The case relates to the proposal of Chief Engineer, Nagarjuna Sagar Project, Hill Colony, Nalgonda for implementation of interim orders of Hon'ble High Court dt15.3.2004 in WAMP NO.764/2004 in WA NO.393/2004. The brief facts of the case are as follows:-

Until 1984 it was the practice in the Department to engage casual labourers on daily wages on seasonal works and dispensed with, after the work for which they were engaged was over. During 1987, several thousands of workers belonging to Srisailem Project, Nagarjunasagar Project (NSP), and other Departments filed several W.Ps before the Hon'ble Supreme Court of India for providing them with work. According to the interim directions on 30.07.87 in W.P.No.657/87, 74 workmen pertaining to NSC Dam Division were taken back with effect from 1.9.87 without any work on daily wages for excavation of canals and they are willing to go to the places where the manual work can be provided by the Government.

In accordance with the E.N.C. orders, 74 N.M.Rs. were relieved on 31.10.87 with the directions to report at Telugu Ganga Project, where work was available, but the NMRs did not join at Telugu Ganga Project (TGP) and the Union has filed a S.L.P. before the Supreme Court for providing them work at Miryalaguda. The Supreme Court of India has referred it to Labour Court-III, Hyderabad for examination where it was registered as I.D.No. 349/93. The Department has pleaded that there was no work in the NSP Division and there were already several hundreds of Surplus workers who were being paid without work. The Labour Court-III, Hyd has awarded dated 1.9.93 for their reinstatement in the Division and payment of back wages of the last drawn wages. The Govt. has rejected the award under the powers conferred under Section 17-A of I.D.Act, 1947 by its order dt. 20.1.1994.

The petitioners Union had filed W.P. No.1090/94 before the High Court challenging the constitutional validity of the

Section 17-A of ID Act 1947. It was represented by the Addl. Advocate General. The High Court has disposed it on 23.4.1997 with directions to implement the award of Labour Court-III, Hyderabad, within a period of one month from the date of receipt of the order. The Dept., has filed a W.A.No.656/97 against the orders in WP No.1090/94 before the High Court. The Bench declined to give any interim orders but suggested to file a W.P. challenging the award. Therefore the W.P.No.10045/98 was filed on 10.4.98 by the Department and both the W.A. & W.P. were clubbed and heard on 16.4.98. The Division Bench has granted stay of Labour Court award with certain conditions for implementation. The Govt. had issued orders in G.O.Rt.No.530, I & CAD (PW.Estt.2) Dept., dt. 3.7.98 for implementation of the conditional stay.

An amount of Rs. 4,50,000/- has been handed over to the presiding officer, Labour Court III, Hyderabad for depositing in a bank to earn interest vide Cheque dt. 10.7.98. The arrears at last drawn wages for the period from 1.5.97 to 30.4.98 have been paid to 67 Nos. of petitioners who had turned up. The rest of 7 petitioners have not reported and it was assumed that they are either alternatively employed or not available physically. The wages at last drawn on 31.10.87 are being paid every month on 5th of succeeding month without work. W.A.No.656/97 and W.P.No.10045/98 have come up for hearing on 15.11.99 before the Division Bench. An objection was raised that the Govt. could either pursue W.A. or WP but not both and the Govt., having challenged the validity of the award passed in ID No.349/93 is not enforceable and the case adjourned to 20.12.99 for reconsideration of the matter at Govt. level to take a decision on withdrawal of notification issued in G.O.Ms.No.2, dt. 20.1.94 and G.O.Ms.No.21, dt. 16.3.94.

The Govt have issued orders of notification withdrawn in G.O.Rt.No.250, LET& F (Lab.I) Deptt., dt:31.1.2000 and the WA No.656/97 was dismissed and the WP No.110045/98 has been posted before the single judge for further examination. The

expeditious petition in WP No.10045/98 has been filed before the Hon'ble High Court on 27.11.2000 for early hearing of the case, stating that the orders, dt:16.4.98 have complied with and it is causing huge financial burden to the Department as the wages are being paid every month on 5th of succeeding month without actually engaging them on the work.

In this connection, it may be stated that after orders in circulation to Hon'ble Chief Minister, orders have been issued in G.O.Rt.No.530, I&CAD (PW.Estt2) Deptt., dt:3.7.98 sanctioning a total amount of RS.9,22,581/- (Rs.4.50 lakhs + RS.4,72,581) for depositing with labour court and to disburse the wages to the workers. It may be stated that while ordering the payments, the Hon'ble CM it has been ordered that the proposal for reinstatement need to be examined in detail and if necessary to file appeal / revision. Accordingly, the above mentioned WA No.656/97 has been filed in the High Court.

In this connection, kind attention is also invited to the decision of this department at para 171 at pp 52 - 53 ante in which it has been decided that the question of reinstatement of the employees of the APSCCL does not arise at this point of time and secondly the reinstatement of these employees has got wider ramifications. In his letter dated:31.7.98 the CE NSP has stated that the contention of the petitioners is to reinstate them at NSC Division, Miryalaguda irrespective of the fact that there is no work available at Miryalaguda. The demand for reinstatement by the petitioners at the old place is contrary to the direction of the Supreme Court. All among the grounds on which all the WPs of the petitioners are opposed is that there is no work at the old place and they should go to Telugu Ganga Project where they should go to Telugu Ganga Project where work was provided as undertaken by them to go to places wherever they are posted.

The C.E., N.S.P., has also stated that the repercussions of the reinstatement of the 74 workmen as follows:

- a) Several hundreds of petitioners in similar W.Ps. may seek for similar relief to reinstate them at old

places instead of annual labour at other places resulting in payment of wages without any work.

- b) Such reinstatement will be contrary to the stand taken by the Government in opposing the WPS and undertaking to provide the work at other places.
- c) If reinstated, there is every likely hood of the courts assuming that the efforts of the Govt. to send these workmen to other places is a deliberate attempt to victimize the workers by disturbing them though the Government could accommodate them at old places.
- d) If a decision of reinstatement is taken, the W.P. No.10045/98 is infructuous and has to be withdrawn as there will be no grounds to file the W.P.
- e) The reinstatement of the petitioners will add to the strength of surplus staff already existing and impose financial burden on the exchequer as they have to be maintained until they could be adjusted against any future vacancies the chances of which are very bleak. The question of engaging them at any place other than Miryalaguda does not arise. Because the very claim of the petitioners is not to force them to go to any place from Miryalaguda.

In his letter dated 11.10.2002, the CE, NSP, Hill Colony has stated that it is not possible to accommodate the 74 Workmen covered in WP No.10045/98 filed by the Department for the reasons furnished below:

- a) there are no ongoing works in the Department and no new works are being taken up by the department.
- b) There is no possibility of engaging fresh labour since no works are being executed departmentally and the contractors who are entrusted with the works are carrying out the excavation works mainly through machinery and not engaging the labour.
- c) The department has disengaged itself from supplying material etc., are to be procured by the executing agency etc., thus the scope of engaging workman in stores, workshops and no manual work has been reduced drastically.
- d) Even after adjusting some surplus work charged employees in other departments there are still large number of surplus work charge establishment. If they are accommodated it effects the state economy.
- e) The routine maintenance works on canals and Irrigation systems are also entrusted to the Water Users Association and are not being done departmentally.
- f) On account of changes of policy many of the workshops have been proposed for closure and the Mechanical fabrication works and construction works

are got done through contractors only. This has reduced the scope for engaging workmen.

- g) The Government decided even to entrust the procurement of cement and steel etc., to contractors only and accordingly provided in the Agreements. It is not possible to show work to the respondents under the present changed circumstances.
- h) Though orders were issued, the respondents workman failed to report for duty at the Telugu Ganga Project. As such they are not entitled for claiming accommodation.
- i) If the 74 respondents workman are accommodated and paid back wages they may claim for regularisation and for extending Government scales which may cause heavy financial burden on Government exchequer.
- j) If Govt takes decision to accommodate them, the wages / salaries are to be paid without extracting any work from them since no regular vacancies are available and many more similar cases may arise for consideration.
- k) The Act 2 of 1994 prohibits the engagement on daily wages.

In this connection, the then Additional Advocate General in his letter dt:30.12.02 has informed that when the WP No.10045/98 filed by CE, NSP against the award of the labour court in ID No.349/93, dt:1.9.93 came up for hearing before Hon'ble Mr.Justice D.S.R.Varma on 23.12.02 and informed, the learned judge of the inability of the Govt to accommodate the above workmen in NSP. As the above WP and the award in ID No.349/93, was a consequence of the workmen refusing to join in TGP to which they were posted, and their insistence on being posted at Nagarjunasagar Canal Division, Miryalaguda, the learned single judge asked to verify, if the petitioners could be accommodated in TGP wherein they were initially posted, in accordance with the directions of the Hon'ble Supreme Court. He has also requested to examine the feasibility of accommodating the workmen in TGP and inform the decision taken by the Govt., in this regard on or before 21.1.2003, on which date, the above case is posted for further hearing.

In his letter dated:3.1.2003, the then Addl.Advocate General enclosing the documents submitted by Sri M.P.Chandramouli, counsel for the writ petitioners in the WPs

in the WP and requested to examine these documents and clarify whether or not vacancies are available at NSC Miryalguda. Submitted that Sri M.P.Candramouli, counsel for the writ petitioners counsel for the writ petitioners in his letter dt:29.12.2002 addressed to the then Addl. Advocate General has enclosed certain press clippings and stated that his clients have expressed their willingness as a last resort to work in Telugu Ganga Project. He has also stated that out of the petitioners, (8) of them are eligible for appointment of village secretaries, in which category of some vacancies are available, and they have submitted their particulars to the District Collector, Nalgonda on 28.12.02. The Counsel for the petitioners has also enclosed a copy of the above said letter, which may be perused at page 519 cf. in his letter dated:8.1.2003, the CE,TGP Srikalahasthi has informed that about 325 Nos work charged employees are working in his unit.

He has stated that it is not possible to accommodate the 74 respondent workmen in TGP Unit, Srikalahasthi. The C.E., NSP, Hill Colony in his letter dt. 4.3.2003 has informed that there are no vacancies available in NSP Unit to accommodate the NMR workers covered in WP No.10045/98 and still 82 Nos. of surplus W.C.Staff are waiting for absorption in needy departments. He has also stated that Act 2 of 1994 and G.O.Ms.No.212, Dt. 22.4.94 prohibit engagement of NMR & other daily wage workers.

He has also informed that the vacancy position of Village Secretaries in the District has to be ascertain from the Collector, Nalgonda. The C.E., NSP., Hill Colony in his letter dt. 25.3.2003 has informed that he had met the Learned Addl. Advocate General, High Court, Hyderabad on 25.3.2003 with all the relevant records. He has informed that after attending the Hon'ble Court, the Learned Addl. Advocate General has informed that the High Court directed to the Department to obtain the confirmation regarding the absorption of the Workmen as Village Secretaries by the P.R. and R.D.

Department by the District Collector taking their eligibility into consideration within a fortnight and to furnish the same to High Court.

The P.R. Dept. has informed that it is not possible for absorption the workmen as Village Secretaries. The position has been informed to the Advocate General, High Court of A.P. In view of the above judgment, the Advocate General, High Court of Andhra Pradesh may be requested to give his views/opinion on the judgment dated 29.8.2003, in W.P. No.10045/98 as well as Award passed in I.D.No.349/93 filed by Telugunadu Work Charged Employees State Federation.

It is submitted that the Advocate General in his letter dated 10.7.2005 has informed that his opinion and the steps to be taken in W.P.No. 10045/1998 and W.A. No.393/2001 has already rendered his opinion that he has perused the letter dated 2.6.2005 and material enclosed thereto . He has further stated that his opinion was already given from his office with regard to the implementation of Interim direction in W.A. No. 393/2004 dated 15.3.2004 filed against W.P.No. 10045/1999 dated 29.08.2003 and he do not see any reasons for giving his opinion once again. He has also informed that at any rate a reading of the document would show that W.P. No. 10045/99 was preferred by Department aggrieved by the award passed by the Labour Court -III Hyderabad in I.D. No. 349/93 dated 1.9.1993 the said Writ Petition preferred by the Department dismissed on 29.08.2003 against which the department preferred in O.A.No. 393/2004 and the Division Bench of Hon'ble High Court through its order dated 15.3.2004 stayed the judgment of the learned single judge stated *supra* . However, it was clarified that if the respondents in the Writ Appeal are willing to join the work they shall be offered work by the applicants and for the actual engagement they shall be paid minimum wages as prescribed under the minimum wages Act. Since the Writ appeal filed by the Government is admitted a stay of award of labour Court was granted albeit with certain conditions, the Government

cannot go in appeal against the said order he informed that this view was already expressed by his office earlier.

In this connection, it is also submitted that the Hon'ble High Court in its Interim orders dated 13.3.2004, has passed following orders:

"That if the respondents desire to join the work, they shall be offered work and shall be engaged by the Writ Petitioners and for the period of actual engagement .They shall be paid minimum wages as prescribed under Minimum wages Act. The order of learned Single Judge dated 29.08.2003 shall be remain stayed. The amount deposited earlier with the Labour Court in I.D. No. 249/93 may not be withdrawn , but this appeal shall be come up for final hearing positively in the third week of June2004"

In this connection, it is also submitted that the Hon'ble High Court in its Interim orders dated 13.3.2004, has passed following orders:

"That if the respondents desire to join the work, they shall be offered work and shall be engaged by the Writ Petitioners and for the period of actual engagement .They shall be paid minimum wages as prescribed under Minimum wages Act. The order of learned Single Judge dated 29.08.2003 shall be remain stayed. The amount deposited earlier with the Labour Court in I.D. No. 249/93 may not be withdrawn , but this appeal shall be come up for final hearing positively in the third week of June2004"

Since the department is incurring expenditure of Rs. 31,100/- per month under NMR Workers wages for years together without extracting any work from them.

When Consulted the Law Department they have stated that the consequential upon the dismissal of W.P.No. 10045/98 filed by the Government against the award passed by the Labour Court-III Hyderabad in I.D.No. 349/93 dated 1.9.1993 by the Hon'ble High Court on 29.8.2003 Government filed W.P. 393/2004 . In WAMP No. 761/2004 in W.A. No. 393/2004, the Hon'ble High Court of A.P. in their interim orders passed by the Hon'ble High Court is as extracted in para 205 at page 136 ante. The Spl. Judge who was been consulted regarding the said interim orders of the Hon'ble High Court is stated to have opined that the orders are very clear and advised to implement the Division Bench orders dated 15.3.2004 accordingly . Again when the learned Advocate General has been requested by the Government on 2.6.2005 has in turn in his opinion No. 43/2005 dated 10.7.2005 at P- 963 - 964 besides confirming the said earlier opinion stated that the Government cannot go in appeal against the said order passed by the Hon'ble High Court in W.A. No. 393/2004 . It is stated that in the file that the learned Advocate General has again been reminded vide letter dated 20.9.2005 to take action for early posting of the W.A. No. 393/2004 since the department is incurring huge expenditure towards the wages of NMRs for years together without extracting any work from them , the latest stage of which is not known in the file .

The Law Deptt., has finally stated that since the Govt cannot go in appeal against the said interim orders as advised by the learned Advocate General so long as the interim orders subsists without any modification or final disposal by the Hon'ble High Court for which steps are being taken, the same may have to be implemented in term thereof. The Law Deptt., has advised this Deptt., to examine the case and take a decision in the matter.

Keeping in view of the advice of Law / Finance and Advocate General, the Department have decided to implement the interim orders of Hon'ble High Court dt15.3.2004 in WAMP NO.764/2004 in WA NO.393/2004 which may be seen at paraante.

After orders are passed, the file may be circulated to Minister (M&MI) for approval.

ESTABLISHMENT - Engagement of casual labourers and payment of Minimum wages as prescribed under Minimum Wages Act - Implementation of Interim orders of AP High Court dated:15.3.2004 in W.A.M.P.No.761/2004 in W.A. No.393/2004 - Orders - Issued.

IRRIGATION AND COMMAND AREA DEVELOPMENT (SER.V.3)
DEPARTMENT

G.O.Ms.No.51

Dated: 30 -6-2006

Read the

following:-

- 1) From the CE, NSP Lr.No.CE/NSP/E.IV(2)/4668/94, dated:19.5.1997
- 2) Govt.Memo.No.58185/Estt.2/95-4, dated:7.6.97
- 3) From the CE, NSP Lr.No.CE/NSP/E.IV(2)/4643/87/Vol.7, dated :1.5.98
- 4) GO Rt.No.530, I&CAD (PW.Estt.2) Dept., datd: 3.7.98
- 5) From the CE, NSP Lr.No.CE/NSP/E.IV(2)/4643/97/4648/94, dated:28.9.02
- 6) Govt. Fax.Memo.No.58185/Estt.2/95-24, dated:16.10.2002
- 7) From the CE, NSP Lr.No.CE/NSP/E.V(1)/4643/87-A/Vol.8, dated:11.10.02
- 8) From the Hon'ble High Court interim orders dt:15.3.2004 W.A.M.P No.761/2004 in W.A No.393/2004

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O R D E R:-

In the reference 7TH read above, the Chief Engineer, Nagarjunasagar Project has reported that until 1984, it was the practice in the Department to engage casual labourers on daily wages for seasonal works and dispensed with, after the work for which they were engaged was over. During 1987, several thousands of workers belonging to Srisailem Project, Nagarjunasagar Project (NSP), and other Departments filed several W.Ps before the Hon'ble Supreme Court of India for providing them with work. According to the interim directions at 30.07.87 in W.P.No.657/87, 74 workmen pertaining to N.S.C Dam Division were taken back with effect from 1.9.87 without any work on daily wages for excavation of canals and they are willing to go to the places where the manual work can be provided by the Government. In accordance with the orders Engineer in Chief 74 NMRs of that division were relieved on 31.10.1987 to report at Telugu Ganga Project where work was available.

(p.t.o)

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They did not join at Telugu Ganga Project and filed S.L.P before the Supreme Court of India for providing them work at Miryalaguda. The Supreme Court of India has referred it to Labour Court-III, Hyderabad for examination where it was

registered as I.D NO.349/93. The Labour Court.III, Hyderabad has awarded for their reinstatement in that Division and payment of backwages of the last drawn wages. The Government has rejected the award under the powers conferred under section 17 - A of ID Act, 1947 by its order dated:20.1.1994. The individuals have again filed WP No.1090/94 in the High Court of Andhra Pradesh. The High Court in its order dated: 23.4.1997 directed to implement the award of Labour Court-III within a period of one month from the date of receipt of order. The Department has filed W.A. No.656/97 against the said orders. The Bench suggested to file WP challenging the award. Accordingly, W.P No.10045/98 was filed on 10.4.98 and both the W.A and W.P were clubbed. The High Court has granted stay of Labour Court award with certain conditions for implementation. The Government had issued orders in G.O Rt.No.530, I&CAD (PW.Estt.2) Dept., dated: 3.7.98 as per the orders of High Court.

2. He has also reported that the case adjourned to 20.12.99 for reconsideration of the matter to take a decision on withdrawal of notification issued in G.O.Ms.No.2, dated:20.1.94 and G.O.Ms.No.21, dated:16.3.94. The Government has issued orders of notification withdrawing G.O.Rt.No.250, LET&F (LAB.I) Department, dt:31.1.2000. The case was heard on 2.2.2000 and dismissed the W.A 656/97. Consequential upon the dismissal of W.P.No.10045/98, Government have filed W.A. No.393/2004.

3. In the reference 8th read above, the High Court of AP in its interim orders dated:15.3.2004 in WAMP No.761/2004 in WA No.393/2004 passed the following order:-

"That if the respondents desire to join the work, they shall be offered work and shall be engaged by the Writ Petitioners and for the period of actual engagement. They shall be paid minimum wages as prescribed under Minimum wages Act.

The order of learned Single Judge dated 29.08.2003 shall be remain stayed.

The amount deposited earlier with the Labour Court in I.D. No. 349/93 may not be withdrawn , but this appeal shall come up for final hearing positively in the third week of June,2004"

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Contd.3)

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4. After careful examination of matter, Government hereby order the Chief Engineer, Nagarjunasagar Project to implement

the interim orders of Hon'ble High Court dated 15.3.2004 in W.A.M.P NO.761/2004 in W.A No.393/2004.

5. The Chief Engineer, Nagarjunasagar Project shall take further action in the matter accordingly.

6. This order issues with the concurrence of Finance Department vide their U.O.No. 6794/108/A1/PC.III/06, dt:18.3.06.

(BYORDER ND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

RAJIV RANJAN MISHRA,
SECRETARY TO GOVERNMENT.

To

The Chief Engineer, Nagarjunasgar Project., Hill Colony, Nalgonda.

Copy to:-

The Superintending Engineer,

NSLCO&M Circle, Miryalaguda

The Executive Engineer, NSC Circle, Miryalaguda

The Finance (PC.III) Department

The Pay and Accounts Officer through Superintending Engineer,

NSLCO&M Circle, Miryalaguda

The PS to Minister (Major Irrigation)

The PS to Secretary to Government.

The Accountant General, AP Hyderabad.

S.F/S.C

//FORWARDED:: BY ORDER//

SECTION OFFICER

(Representation of Joint Secretary, Telugu Nadu work charged employees state federation, Nalgonda dt: nil)

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Please see the notes at paras 571 - 595 ante and the representation along with enclosures received from Joint Secretary, Telugu Nadu work charged employees state federation, Nalgonda dt: nil at pages 1091 - 1105 and the orders of Secretary to Govt thereon.

It is submitted that in G.O.Ms.No.51, I&CAD (Ser.V.3) Deptt., dt:30.6.06 orders were issued directing Chief Engineer, Nagarjunasagar Project to implement the interim orders of Hon'ble High Court dated 15.3.2004 in W.A.M.P No.761/2004 in W.A No.393/04.

Now, the Joint Secretary, Telugu Nadu work charged employees state federation, Nalgonda in his representation has stated that Govt have pleased to issue orders to implement the interim orders of High Court dated 15.3.2004 in W.A.M.P No.761/2004 in W.A No.393/04 directing the CE, NSP to take further action in the matter. Later the union while enclosing the above G.O. has made several representations to CE, NSP for implementation of Govt. orders and the CE, NSP has agreed to implement the above orders cent percent. Further they have stated that during the arguments in A.P. High Court, it has been stated that the NMRs are not willing to join in other places. However, Hon'ble High Court in its interim orders have ordered to pay minimum wages until services of petitioners are regularised.

Finally the Telugu Nadu work charged employees state federation, Nalgonda has stated that out of 74 petitioners, 56 members are living. Among them the health conditions of two individuals are in critical position. Hence requested the Govt to direct the CE, NSP to accommodate the 56 petitioners in W.A.M.P No.761/2004 in W.A No.393/04 at an early date.

In view of the above position, it is submitted for orders whether a copy of representation of Telugu Nadu work charged

employees state federation, Nalgonda may be sent to CE, NSP to implementation the orders of Govt (i.e.,G.O.Ms.No.51, I&CAD (Ser.V.3) Deptt., dt:30.6.06) immediately and he may be requested to state the reasons are not implementing the same to till today.

Submitted for orders.

GOVERNMENT OF ANDHRA PRADESH
IRRIGATION AND COMMAND AREA DEVELOPMENT
DEPARTMENT

Memo.No.58185/Ser.V.3/95-58
2006

Dated:18-9-

Sub:- WCE - Engagement of casual labourers and payment of Minimum wages as prescribed under Minimum Wages Act - Interim orders of AP High Court dated:15.3.2004 in W.A.M.P.No.761/2004 in W.A. No.393/2004 - Orders Issued - implementation of Govt orders - Regarding.

Ref:- 1. G.O.Ms.No.51, I&CAD (Ser.V.3) Deptt.,
dt:30.6.06
2. Representation of the Joint Secretary, Telugu
Nadu work charged employees state federation,
Nalgonda dt: 12.9.06

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The attention of the Engineer-in-Chief (Admn.Wing) is invited to the references cited (copies enclosed for ready reference).

2. In the reference 1st cited, Govt have issued orders directing Chief Engineer, Nagarjunasagar Project, Hill Colony, Nalgonda to implement the interim orders of Hon'ble High Court dated 15.3.2004 in W.A.M.P No.761/2004 in W.A No.393/04.

3. In the reference 2nd cited, Joint Secretary, Telugu Nadu work charged employees state federation, Nalgonda has represented that the Chief Engineer, Nagarjunasagar Project, Hill Colony, Nalgonda has not implemented the orders of Govt so far.

4. The Engineer-in-Chief (Ad.wing) is requested to take immediate action for implementation of the orders issued in the reference 1st cited. He is also requested to call for the explanation of the Chief Engineer, Nagarjunasagar Project, Hill Colony, Nalgonda for not implementing the orders and send his remarks thereon along with the action taken report by 25.9.2006 at the latest.

RAJV RANJAN MISHRA
SECRETARY TO GOVERNMENT

To

The Engineer-in-Chief (Admn Wing), Hyderabad (WE)

//FORWARDED:: BY ORDER//

SECTION OFFICER

Please see the orders of Deputy Secretary to Govt., at para 608 ante and the letter received from the Engineer-in-Chief (IW) along with its enclosures at pages 1115 - 1117 cf.

When the file is under submission, the Engineer-in-Chief (IW) in his another letter dated:10.10.2006, has requested the Govt to give directions to the Chief Engineer, Nagarjunasagar Project to accommodate above said NMR workers, in view of the interim orders of High Court dt:15.3.2004 in WA MP No.761/2004 in WA No.393/2004, as the CE, NSP has informed that there are no vacancies which is quite contradictory to the earlier letter dated:27.9.2006.

Based on the oral orders of Deputy Secretary to Govt., it is for orders whether the Engineer-in-Chief (IW), Hyderabad / CE NSP, Hill Colony, Nalgonda may be requested to make convenient to attend a meeting in the chambers of Secretary to Government, I&CAD Deptt. along with relevant material. If agreed to, indicate the date and time for conducting meeting.

Submitted for orders.

through FAX message

GOVERNMENT OF ANDHRA PRADESH
IRRIGATION AND COMMAND AREA DEVELOPMENT
DEPARTMENT

Memo.No.58185/Ser.V.3/95-59

Dated:23-10-2006

Sub:- WCE - Engagement of casual labourers and payment of Minimum wages as prescribed under Minimum Wages Act - Interim orders of AP High Court dated:15.3.2004 in W.A.M.P.No.761/2004 in W.A. No.393/2004 - Orders Issued - implementation of Govt orders - Regarding.

Ref:- 1. G.O.Ms.No.51, I&CAD (Ser.V.3) Deptt.,
dt:30.6.06
2. From the Engineer-in-Chief (IW) Hyd
Lr.No.Engineer-in-Chief/IW/P&M/EEIII/W2/844/2006,
dt:27.9.06
3. From the Engineer-in-Chief (IW) Hyd
Lr.No.Engineer-in-Chief/IW/P&M/EEIII/W2/844/2006,
dt:10.10.2006.

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On the subject mentioned above, Secretary to Government convened a meeting at 11.30 A.M. on 28.10.2006 in his chambers. The Engineer-in-Chief (Admn.Wing) and Chief Engineer, Nagarjunasagar Project, Hill Colony, Nalgonda are requested to attend the above meeting with all records including the Labour Court Award dt:14.9.2006.

RAJIV RANJAN MISHRA
SECRETARY TO GOVERNMENT

To

The Engineer-in-Chief(Admn.Wing), Hyderabad
The Chief Engineer, Nagarjunasagar Project, Hill Colony,
Nalgonda.

//FORWARDED:: BY ORDER//

SECTION OFFICER

Please see the notes at pre-page and the letter received from the CE, NSP, Hill Colony, Nalgonda at pages 1141 - 1151 cf. The details of the case are as follows:-

The CE, NSP in his letters dated:28.10.2006 while reiterating the position stated at paras 571 - 587 ante has stated that Govt have issued orders in G.O.Ms.No.51, dt:30.6.06 for implementation of the interim orders of Hon'ble High Court dt:15.3.2004 in WA MP No.761/2004 in WA No.393/2004.

He has also requested that there was no work to provide for the petitioners, however they are being paid last drawn wages of 1986 SS Rates as per Govt., Irrigation & CAD (PW.WC.II) Deptt., G.O.Ms.No.530, dt:3.7.98 are being paid without extracting any work and the petitioners are insisting work at Miryalaguda only and requested the Govt., to issue clear instructions in this regard i.e., payment of wages and providing of work to the petitioners.

He has also further stated that the MP was allowed on 14.9.2006 by the Hon'ble Labour Court.III, Hyd with the following direction, it is determined that the respondents shall pay an amount of Rs.31,55231/- to the petitioners as arrears under minimum wages, Act in pursuant to the orders of Hon'ble High Court of AP in WAMP No.761/04 in WA No.393/2004 in ID No.349/93 of the Labour Court and the said amount shall be paid to the petitioners on or before 27.10.2006.

As stated by the CE, NSP that with reference to the Award of Labour Court III, Hyderabad dt:14.9.2006 in MP No.6/2006, it has been contacted the Special Govt Pleader of Advocate General on 28.10.2006 regarding further course of action on the above case. The Special Govt Pleader of Advocate General has opined that there is a possibility of filing WP against the said award of Labour Court.III, but he opined that the Govt has issued G.O.Ms.No.51, I&CAD (Ser.V.3) Deptt., dt:30.6.2006. Under these circumstance the Special Govt

Pleader of Advocate General wants a detailed letter from the Govt., to take further necessary action in the matter.

He has therefore requested the Govt., to address the Advocate General, High Court of AP for further course of action to be taken (1) for filing a writ petition against the Labour Court award (2) there is no departmental work to engage the petitioners and Special Govt Pleader of Advocate General to file appropriate petition to avoid contempt.

Subject to orders, a draft letter is submitted below for approval.

GOVERNMENT OF ANDHRA PRADESH
IRRIGATION AND COMMAND AREA DEVELOPMENT
DEPARTMENT_

Letter.No.58185/Ser.V.3/95- 60 dated:4 -11-06

From

The Secretary to Government,
Irrigation and Command Area Development
Department,
A.P. Secretariat.

To

The Advocate General,
A.P. High Court,
Hyderabad. (WE)

Sub:- ESTABLISHMENT - Engagement of casual labourers and payment of Minimum wages as prescribed under Minimum Wages Act - Implementation of Interim orders of AP High Court dated:15.3.2004 in W.A.M.P.No.761/2004 in W.A. No.393/2004 - seeking opinion of Advocate General, AP High Court - Regarding.

Ref:- 1) From the CE,NSP Lr.No.CE/NSP/E.IV(2)/4668/94, dt:19.5.97
2) Govt.Memo.No.58185/Estt.2/95-4, dated:7.6.97
3) From the CE, NSP Lr.No.CE/NSP/E.IV(2)/4643/87/Vol.7, dated :1.5.98
4)GO Rt.No.530, I&CAD (PW.Estt.2) Dept., datd: 3.7.98
5)From the CE, NSP Lr.No.CE/NSP/E.IV(2)/4643/97/4648/94, dated:28.9.02
6)Govt. Fax.Memo.No.58185/Estt.2/95-24, dt:16.10.02
7)From the CE, NSP Lr.No.CE/NSP/E.V(1)/4643/87-A/Vol.8, dated:11.10.02
8)From the Hon'ble High Court interim orders dt:15.3.2004 W.A.M.P No.761/2004 in W.A No.393/2004
9)G.O.Ms.No.51, I& CAD (Ser.V.3) Deptt.,dt:30.6.2006.
10) Representation of Joint Secretary, Telugu Nadu Work Charged Employees State Federation, Nalgonda dt:12.9.2006

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- 11) Govt.Memo.No.58185/SEr.V.3/95-58,
dt:18.9.06
- 12) From the Labour Court, III Award
dt:14.9.2006 in MP No.6/2006 filed by Sri
M.Nageswara Rao and others
- 13) From the CE, NSP, Hill Colony, Nalgonda
Lr.No.CE/NSP/E.V(1)/4643/87/Vol.9, dt:28.10.06

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I am to state that in the reference 7th read above, the Chief Engineer, Nagarjunasagar Project has reported that until 1984, it was the practice in the Department to engage casual labourers on daily wages for seasonal works and dispensed with, after the work for which they were engaged was over. During 1987, several thousands of workers belonging to Srisailem Project, Nagarjunasagar Project (NSP), and other Departments filed several W.Ps before the Hon'ble Supreme Court of India for providing them with work. According to the interim directions dated 30.07.87 in W.P.No.657/87, 74 workmen pertaining to N.S.C Dam Division were taken back with effect from 1.9.87 without any work on daily wages for excavation of canals and they are willing to go to the places where the manual work can be provided by the Government. In accordance with the orders Engineer in Chief 74 NMRs of that division were relieved on 31.10.1987 to report at Telugu Ganga Project where work was available. They did not join at Telugu Ganga Project and filed Special Leave Petition before the Supreme Court of India for providing them work at Miryalaguda. The Supreme Court of India has referred it to Labour Court-III, Hyderabad for examination where it was registered as I.D NO.349/93. The Labour Court.III, Hyderabad has awarded for their reinstatement in that Division and payment of backwages of the last drawn wages. The Government has rejected the award under the powers conferred under section 17 - A of ID Act, 1947 by its order dated:20.1.1994. The individuals have again filed WP No.1090/94 in the High Court of Andhra Pradesh. The High Court in its order dated: 23.4.1997 directed to implement the award of Labour Court-III within a period of one month from the date of receipt of order. The Department has filed W.A. No.656/97 against the said orders. The Bench suggested to file WP challenging the award. Accordingly, W.P No.10045/98 was filed on 10.4.98 and both the W.A and W.P were clubbed. The High Court has granted stay of Labour Court award with certain conditions for implementation. The Government had issued orders in G.O Rt.No.530, Irrigation & Command Area Development (PW.Estt.2) Department, dated: 3.7.98 as per the orders of High Court.

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2. He has also reported that the case adjourned to 20.12.99 for reconsideration of the matter to take a decision on withdrawal of notification issued in G.O.Ms.No.2, dated:20.1.94 and G.O.Ms.No.21, dated:16.3.94. The Government has issued orders of notification withdrawing G.O.Rt.No.250, LET&F (LAB.I) Department, dt:31.1.2000. The case was heard on 2.2.2000 and dismissed the W.A 656/97. Consequential upon the dismissal of W.P.No.10045/98, Government have filed W.A. No.393/2004.

3. In the reference 8th cited, the High Court of Andhra Pradesh in its interim orders dated:15.3.2004 in WAMP No.761/2004 in WA No.393/2004 passed the following order:-

"That if the respondents desire to join the work, they shall be offered work and shall be engaged by the Writ Petitioners and for the period of actual engagement. They shall be paid minimum wages as prescribed under Minimum wages Act.

The order of learned Single Judge dated 29.08.2003 shall be remain stayed.

The amount deposited earlier with the Labour Court in I.D. No. 349/93 may not be withdrawn , but this appeal shall come up for final hearing positively in the third week of June,2004"

4. In the reference 9th cited, Government have issued orders to the Chief Engineer, Nagarjunasagar Project to implement the interim orders of Hon'ble High Court dated 15.3.2004 in W.A.M.P NO.761/2004 in W.A No.393/2004.

5. In the reference 11th cited, on receipt of representation from Telugu Nadu Work Charged Employees State Federation, Nalgonda, the Engineer-in-Chief has been requested to take immediate action for implementation of interim orders of above Government orders.

6. In the reference 12th cited, Sri M.Nageswara Rao and others has filed MP No.6/06 in the Labour Court III, Hyderabad for payment of arrears of minimum wages. The Labour Court III in its Award dt:14.9.06 has directed as follows:-

It is determined that the respondents shall pay an amount of Rs.31,55231/- to the petitioners as arrears under minimum wages, Act in pursuant to the orders of Hon'ble High Court of AP in

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WAMP No.761/04 in WA No.393/2004 in ID No.349/93 of the Labour Court and the same shall be paid to the petitioners on or before 27.10.2006.

7. In the reference 13th cited, the Chief Engineer, Nagarjunasagar Project, Hill Colony has informed that there is no work and vacancies to accommodate 56 NMR workers and regarding payment of wages he has informed that wages were last drawn wages of 1986 SS Rates as per G.O.Ms.No.530, dt:3.7.98 are being paid without extracting any work. Further he has informed that there is a possibility of filing WP against the said award of Labour Court III. Hence requested to seek the opinion of Advocate General in the matter.

8. I am to request you kindly furnish your advice on items (I) and (II) of Chief Engineer letter dated:28.10.2006 in the matter at the earliest for taking further action in the matter. Relevant copies of all the material papers are enclosed for reference.

Yours faithfully,

SECRETARY TO GOVERNMENT

(Issued as Govt.Letter.No.58185/Ser.V.3/95-60, Dated:4 -11-06)
(From the Advocate General, A.P., Hyd Letter No.878/2006, dt:9.11.2006)

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Please see the notes at pre-pages and the letter received from Advocate General, A.P., Hyd along with enclosure at pages 1159 -1169 cf.

In reply, to Govt. Letter dt:4.11.2006, the Advocate General has returned the said letter stating that for seeking his opinion, letter should be signed by Addressor (i.e., Secretary concerned) as per circular memo No.1702/LSP/L1/05, Law (L1) Deptt., dt:9.9.2005.

In view of the above position, the Secretary (RRM) is requested sign on the letter below.

(From the EE,NSC Division, Miryalaguda Letter No.AB/A4/06-07, dt:23.11.2006 addressed to Advocate General and copy marked to Govt)

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Please see the letter received from Executive Engineer, NSC Division, Miryalaguda addressed to Advocate General, AP High Court, Hyd and copy marked to Govt at page.....cf.

Submitted that the Executive Engineer, NSC Division, Miryalaguda in his letter dt:23.11.2006 while addressing the Advocate General AP High Court, Hyd has furnished a copy to Govt, in which he has informed that the approved fair WP along with connected material papers in six sets are furnished for filing before the Hon'ble High Court of A.P. against the orders, dt:14.9.2006 of the Labour Court.III, Hyd in MP No.6/2006 and intimate the date of filing to his office so as to submit a report to Govt.

In view of the above position, it is for orders whether the Executive Engineer, NSC Division, Miryalaguda may be requested to furnish a copy of WP which were furnished to Advocate General for filing in the Hon'ble High Court.

Subject to orders, a draft memo is submitted below for approval.

GOVERNMENT OF ANDHRA PRADESH
IRRIGATION AND COMMAND AREA DEVELOPMENT
DEPARTMENT_

(issued Govt. Memo. No. 58185/Ser. V/95-58, Dated:
18-9-2006.)

-X-X-

Government have issued orders vide G.O. Ms. No. 51, I & CAD (Ser. V) Department dt. 30-6-2006 directing the Chief Engineer, N.S.P. Hill Colony, Nalgonda to implement the interim orders of Hon'ble High Court dated 15-3-2004 in W.A. M.P. No. 761/2004, in W.A. No. 393/2004.

The Joint Secretary, Telugu Nadu Work charged employees State Federation has represented that the Chief Engineer, N.S.P., Hill Colony, Nalgonda has not implemented the orders of Government so far.

The Engineer-in-Chief (AW) is requested to take immediate action for implementation of the orders issued in the G.O. Ms. No. 51, I & CAD (Ser. V) Deptt. Dt. 30-6-2006. He is also requested to call for the explanation of the Chief Engineer, NSP, Hill Colony, Nalgonda for not implementing the orders and send his remarks thereon along with the action taken report by 29-9-2006 at the latest.

The Engineer-in-Chief (AW) in his letter dt. 10-10-2006 has stated that the CE., NS., Hill Colony, Nalgonda has requested the Engineer-in-Chief (IW) to give instructions to accommodate 56 NMR workers in the event

of non availability of vacancies in Nagarjunasagar Left Branch Canal O & M Circle, Miryalaguda.

The Engineer-in-Chief (IW) in turn has requested the Government to give necessary directions to the CE., N.S.P. Hill colony, Nalgonda to accommodate the 56 NMR workers as the CE., NSP says there are no vacancies.

The CE., NSP in his letters dt. 28-10-2006 while reiterating the position stated at Paras 571 - 587 ante has stated that Government have issued orders in G.O. Ms. No. 51, Dt. 30-6-2006 for implementation of the interim orders of Hon'ble High Court dt. 15-3-2004 in W.A. M.P. No. 761/2004 in W.A. No. 393/2004

He has also stated that there was no work to provide for the petitioners, however they are being paid last drawn wages of 1986 SS Rates as per Govt. Irri. & CAD (PW. WC. II) dett. G.O.Ms. No. 530, dt. 3-7-1998 are being paid without extracting any work and the petitioners are insisting work at Miryalaguda only and requested the Government to issue clear instructions in this regard. I.e., payment of wages and providing of work to the petitioners.

He has further stated that this M.P. was filed by the petitioner's before the Labour Court allowed on 14-9-2006

by the Hon'ble Labour Court III, Hyderabad and directed, it is determined that the respondents shall pay an amount of Rs. 31,55,231/- to the petitioners as arrear under minimum wages. Act is pursuant to the orders of Hon'ble High Court of A.P. in WAMP No. 761/2004 in

W.A. No. 393/2004 in ID. No. 349/93 of the Labour Court and the said amount shall be paid to the petitioners on or before 27-10-2006.

As stated by the CE., NSP that with reference to the award of Labour Court III, Hyderabad dt. 14-9-2006 in M.P. No. 6/2006. It has been contacted the Special Government Pleader of Advocate General on 28-10-2006 regarding further course of action on the above case. The Special Govt. Pleader of Advocate General has opined that there is a possibility of filing W.P. against the said award of Labour Court, III, but he opined that the Govt. has issued G.O. Ms. No. 51, Irr. & CAD. (Ser. V) Department Dt. 30-6-2006. Under these circumstances the Special Govt. Pleader of Advocate General wants a detailed letter from the Government to take further necessary action in the matter.

He has, therefore, requested the Government to address the Advocate General, High Court of A.P. for further course of action to be taken (1) for filing a writ petition against the Labour Court award (2) there is no departmental work to engage the petitioner and Special

Government Pleader of Advocate General to file appropriate petition to avoid contempt.

The Advocate General has been requested vide Govt. Memo. dt. 4-11-2006 to advice on items (1) and (2) of CE., NSP. Nalgonda letter dt. 28-10-2006 in the matter for taking further action in the matter.

The Executive Engineer, Miryalaguda in his letter addressed to the Advocate General, High Court of A.P. ha furnished approved fair W.P. along with the connected material papers for filing before the Hon'ble High Court of A.P. against the orders, Dt. 14-9-2006 of the Labour Court III, Hyderabad in M.P. No. 6/2006. He has requested the Advocate General, High Court of A.P. file the same before the Hon'ble High Court of A.P. and intimate the date of filing so as enable his office to submit a report to his higher authorities and Government.

The Engineer-in-Chief (IW) vide his letter dt, 20-11-2006 has furnished the detailed report furnished by the CE., NSP., in M.P. No. 6/2006 filed by Sri .M. Nageswara Rao, Fitter and 52 others, which may kindly be seen at pages 1219 - 1222 c.f.,

Government vide Memo. dt. 16-12-2006 has requested the CE., NSP, Nalgonda / the E.E., NSC Division, Miryalaguda to pursue the case with the O/o the Advocate on Record, High Court, Hyderabad and inform the Government from time to time the latest stage of the

case and also furnish a fair copy of Writ Petition along with the detailed counter which was filed before Hon'ble High Court against the Award of Labour Court order dt. 14-9-2006 in M.P. No. 6/2006 for reference and record.

The CE., Nagarjunasagar Project, Nalgonda vide his letter dt. 12-12-2006 has requested that the Govt. Lr. No. 58185/Ser. V (3)/1995-60, Dt. 4-11-2006 addressed to the Advocate General, A.P. High Court, Hyderabad has been handed over in the O/o the Advocate General on 6-11-2006.

The CE., NSP. Nalgonda vide his letter dt. 22-12-2006, has stated that the Executive Engineer, NSC Division, Miryalaguda has stated that the W.P. No. 25323/2006 filed by the Department before the Hon'ble High Court of A.P. through the Advocate General against the orders dated 14-9-2006 of the Labour Court - III, Hyderabad in M.P. No. 06/2006 came up for admission on 8-12-2006. The Hon'ble High Court has heard the arguments of both the counsel and granted interim suspension of the Labour Court orders in M.P. No. 06/2006, dt. 14-9-2006 vide W.P.M.P. No. 32421/2006 in W.P. No. 25323/2006. The copies of the W.P. filed by the Department and the interim suspension granted by the Hon'ble High Court may be perused at pages 1247 - 1262 c.f.,

The working Secretary, Telugu Nadu T.U.C. Miryalaguda in his representation dt. 22-6-2007 has requested the Government to reinstate the 54 families as per the earlier orders issued by the Government and also for payment of decree amount as per the orders of Labour Court and also for payment of minimum wages from 1-1-2006.

The CE., NSP. Nalgonda in his letter dt. 21-6-2007 has stated that vide G.O. Rt. No. 530, I & CAD (FW.WC-II) Deptt. Dt. 3-7-1998 issued orders for implementation of Hon'ble High Court interim orders dt. 16-4-1998 in W.P.M.P. No. 12-9-1998 in W.P. No. 10045/98 filed by the Department against the award of Labour Court - III, Hyderabad in I.D. No. 349/93 for reinstatement of 74 NMR workers. An amount of Rs. 4.51 lakhs has been deposited in Labour Court - III, Hyderabad and arrears from 1-5-1997 to 30-4-1998 have been paid to 67 petitioners who have turned up. The last drawn wages are being paid every 5th of succeeding month without extracting work from them.

The W.P. No. 10045/98 was dismissed on 29-8-1003 and the Department has filed W.A. No. 393/2004 through the Additional Advocate General on 12-2-2004. The Division Bench of Hon'ble High Court has passed interim order that if the workers desire to join the work they shall be offered work and shall be engaged by the Department and for the period of actual engagement they shall be

paid minimum wages as prescribed under minimum wages act. The order of the single learned Judge dated 29-6-2003 shall remain stayed. The W.A. No 393/2004 is still pending.

Sri M. Nageswara Rao, Fitter and 52 others have filed M.P. No. 6/2006 before the Labour Court - III, Hyderabad in 03/2006 for the claim of difference of minimum wages for the period from 1-6-2004 to 31-12-2005 for Rs. 31,55,451/- in pursuance of the Hon'ble High Court orders in W.A.M.P. No. 761/2004 in W.A.No. 393/2004.

Necessary counter has been filed on 18-5-2006 through the Assistant Government Pleader concerned stating that there are no works being executed Departmentally to engage the petitioners and they are being paid 17 - B wages. They are not eligible for difference of wages as per their claim statements and the M.P. is liable to be dismissed.

The Government has issued orders for implementation of Hon'ble Court orders, dated 15-3-2004 in W.A.M.P. No.761/2004 in W.A. No. 393/2004, but the Department is unable to provide work. The Labour Court-III, Hyderabad has allowed M.P. No. 06/2006 on 14-9-2006. The department has preferred W.P. No. 25323/2006 against the orders of Labour Court and the Hon'ble High Court has passed interim suspension orders on 8-12-2006 in

W.P. M.P. No. 32421/2006 in W.P. No. 25323/2006. The workmen have filed counter in W.V.M.P. No. 2627/2006 during 12/2006. These petitions have come up for hearing on 13-2-2007 and upon hearing the arguments of the Advocate General and counsel for the workmen, the Hon'ble High Court has directed the Department to deposit 50% of the wages awarded by the Labour Court - III in M.P. No. 6/2006 within a period of eight weeks from 13-2-2007, the default of the stay granted on 8-12-2006 and this modified orders shall stand vacated immediately without further reference to the Court.

As per the advice of the Special Government Pleader attached to the Advocate General a Writ Appeal No. 267/2007 has

been filed on 26-3-2007 before the Division Bench of Hon'ble High Court against the single judge orders, dated 13-12-2007 in M.V.M.P. No. 2627/2006 in M.V.M.P. No. 32421/2006 in W.P. No. 25323/2006. The Division Bench of Hon'ble High Court has dismissed it on 23-4-2007. The Office of the Advocate General has applied for the order and it is awaited.

Further, it is submitted that the E.P. No. 60/2006 in M.P. No. 6/2006 filed by Sri M. Nageswar Rao, Fitter and 52 others before the Labour Court - III, Hyderabad for

payment of difference of minimum wages for the period from 1-6-2004 to 31-12-2005 for Rs. 31,55,231/- is posted to 21-6-2007 for next hearing.

The CE., NSP. Nalgonda has requested the Government to address the Advocate General, High Court, Hyderabad for obtaining legal opinion in this regard to avoid legal complication in future.

The file is submitted for orders.

2007 Memo.No.58185/Ser.V.3/2006- Dated: -06-

Sub:- ESTABLISHMENT - Engagement of casual labourers and payment of Minimum wages as prescribed under Minimum Wages Act - Implementation of Interim orders of AP High Court dated:15.3.2004 in W.A.M.P.No.761/2004 in W.A. No.393/2004 - W.A.NO.267/2007 disposed off by the APHC,Hyderabad - Detailed report called for - Reg.

Ref:- 1. From the CE, NSP, Hill Colony, Nalgonda
Lr.No.CE/NSP/E.V(1)/4643/87/Vol.9, dt:28.10.06
2.Govt. Letter.No.58185/Ser.V.3/95-60, Dated:4 -
11-06

addressed to the Advocate General, APHC,
Hyderabad.

3.From the Executive Engineer, NSC Division,
Miryalaguda
Letter No.AB/A4/06-07, dt:31/05/2007.

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The attention of the Chief Engineer, Nagarjunasagar Project, Hill Colony, Nalgonda / the Superintending Engineer, NSLBC, O & M Circle, Miryalaguda, /the Executive Engineer, NSC Division, Miryalaguda, is invited to the references cited and he is informed that Government has already addressed the Learned Advocate General, APHC, Hyderabad, to render his advise in this case in the reference 2nd cited. Further the Advocate General, APHC, Hyderabad , had appeared on behalf of the Government before the APHC. Hence, as Legal Officer, the Advocate General, APHC, will give his opinion on the orders of the APHC in WA.NO.267/2007 dated. 26/3/2007. Hence, addressing the Advocate General, APHC from Government level is not required every time. He is therefore requested to peruse the case with the O/o the Advocate General, Andhra Pradesh High Court, Hyderabad, and send a detailed report to the Government,

To

The Chief Engineer,
Nagarjunasagar Project,
Hill Colony, Nalgonda

The Superintending Engineer,
NSP O & M Circle,
Miryalaguda.

The Executive Engineer,
NSC Division, Miryalaguda

**(From the Executive Engineer, NSC Division,
Miryalaguda Letter No.AB/A4/0303SE,
dt:31.05.200).**

&&&

Please see the letter received from the Executive Engineer, NSC Division, Miryalaguda, dated.31/5/2007 addressed to the Superintending Engineer, NSLBC, O&M Circle, Miryalaguda at pp. c.f.

The Executive Engineer, NSC Division, Miryalaguda, while addressing the Superintending Engineer, NSLBC , O & M Circle,

Miryalaguda has marked a copy of the same letter to the Government , wherein he has reported that Sri.M.Nageswara Rao, Fitter and 52 others have filed MP.NO.6/2006 before the Labour Court-III, Hyderabad during 3/2006 for the claim of difference of minimum wages for the period from 1/6/2004 to 31/12/2005 for Rs.31,55,451/- in pursuance of the APHC orders in W.A.MP.NO.761/2004 in W.A.NO.393/2004.

The State Government vide G.O.MS.NO.51, I & CAD (SER.V.3) Department dated.30-06-2006 issued orders for implementation of APHC orders dated. 15/3/2004 in W.A.MP.NO.761/2004 in W.A.NO.393/2004 but the department is unable to engage the workers. The Labour Court-III, Hyderabad, has allowed MP.NO.06/2006 on 14/9/2006.

The department has preferred WP.NO.25323/2006 against the said Labour Court orders and the APHC has passed interim suspension orders on 8/12/2006 in WP.MP.NO.32421/2006 IN WP.NO.25323/2006. The workmen have filed Counter and W.V.M.P.MNO.2627/2006 in WP.MP.NO.32421/2006 in WP.NO.25323/2006 during 12/2006. The APHC has directed the department to deposit 50% of the wages awarded by the Labour Court -III in MP.NO.6/2006 within a period of 8 weeks from 13/2/2007 in default the stay granted on 8/12/2006 and this modified

(C.No.58185/Ser.V.3/95)

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orders shall stand vacated automatically without further reference to the Court. Further the department has filed W.A.NO.267/2007 on 26/3/2007

before the Division Bench of APHC against the single judge order dated.13/2/2007 in W.V.MP.NO.2627/2006 in WP.MP.NO.32421/2006 in WP.NO.25323/2006 and the same was dismissed by APHC on 23/4/2007 The office of the Advocate General has applied for the order copy and it is awaited.

The Executive Engineer, NSP, Miryalaguda has further reported that the EP.NO.60/2006 in MP.NO.6/2006 filed by Sri M.Nageswar Rao, Fitter and 52 others before the Labour Court-III, Hyderabad for payment of difference of minimum wages for the period from 1/6/2004 to 31/12/2005 for Rs.31,55,231-00 is posted to 7/6/2007 for next hearing and requested the Superintending Engineer to address the Government for obtaining legal opinion in the above case from AG, APHC to avoid further legal complications.

In view of the circumstances reported by the Executive Engineer, NSP, Miryalaguda, it is submitted that though the APHC has granted interim stay subject to deposit of 50% amount within 8 weeks from 13/2/2007, the Executive Engineer and Superintending Engineer, have not responded on the orders of the APHC. As seen from the previous letter dated. 4/11/2006 the AG, APHC, has already been requested to furnish his opinion in this case. Further, the Advocate General, APHC, has appeared before the APHC on behalf of the Government. Being a legal officer, if there is any adverse orders are passed by the APHC against the Government, the concerned legal officer who appeared on behalf of the Government should invariably offer his comments on the adverse judgment and possibility of filing further appeal in such case. Hence, as requested by the Executive Engineer, NSP, Miryalaguda, there is no need to address again the Advocate General in this case. They can approach

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the office of the Advocate General directly to get the opinion in this case. Further, the Executive Engineer and Superintending Engineer have not submitted proposals for release of 50%

funds to deposit in terms of the APHC orders which resulted the interim stay granted by the APHC has automatically vacated. Consequently, the Labour Court orders in MP.NO.6/2006 will again come into operation. Hence, there is every possibility for passing adverse orders in EP.NO.60/2007 in MP.,NO.6/2006 by the Labour Court-III, Hyderabad.

At this point of time , it is for orders, whether the Superintending Engineer and Executive Engineer may be directed to personally attend to the Office of the AG APHC, Hyderabad for obtaining his opinion on the orders of the APHC and also to obtain information regarding the further orders of the EP.NO.60/2006 in MP.NO.6/2006 in the Labour Court-III, Hyderabad for taking further action in the matter.

Subject to orders, a draft memo addressed to the Chief Engineer, NSP and Superintending Engineer, NSLBC, O & M Circle, Miryalaguda, is put up below for approval.

GOVERNMENT OF ANDHRA PRADESH
IRRIGATION & COMMAND AREA DEVELOPMENT
DEPARTMENT

Memo. No. 24351/Ser. V (1)/2007-1.
8-2007.

Dated: 23-

Sub: SUITS - E.P. No. 60/2006 M.P. No. 6/2006
filed by Sri

M. Nageswara Rao, Fitter & 52 others before
the

Labour Court - III, Hyderabad for recovery of Rs.
31,55,231/- from respondents towards differential
of

wages of the petitioners by attaching the
properties of

the respondents and selling the properties for
orders -

Regarding.

Ref: From the Chief Engineer, Nagarjunasagar Project,
Hill Colony, Nalgonda, Lr. No. CE/NSP/E
V(1)/4604/06,

Dt. 22-8-2007.

-X-X-

The attention of the Chief Engineer, Nagarjunasagar Project is invited to the reference cite, where in a request has been made to sanction an amount of Rs. 31,55,231/- in view of the attachment orders of Labour Court. As the proposal is to be examined at various levels in Government, and as it takes some time to decide the issue. The Chief Engineer, Nagarjunasagar Project is requested to take an adjournment of the case by one month and avoid legal complication. He is also requested to obtain the opinion of the Government Pleader for Irrigation & Command Area Development Department, A.P. High Court on the further course of action to be taken in the mater and furnish a detailed report to Government.

RAJIV RANJAN MISHRA
SECRETARY TO

GOVERNMENT.

To

The Chief Engineer, Nagarjunasagar Project,
Hill Colony, - 508 202, Nalgonda District.

// FORWARDED :: BY ORDER //

SECTION OFFICER.

Please see the notes at pages 183 - 191 n.f., and the remarks of Law Department at paras 677 to 685 on pages 192 - 194 ante and above and the letter received from the Chief Engineer, Nagarjunasagar Project at pages 1365 - 1367 c.f,

The Chief Engineer, Nagarjunasagar Project in his letter has stated that Sri M. Nageswara Rao, Fitter, and 52 others have filed M.P. No. 6/2006 before the Labour Court - III, Hyderabad, during March, 2006 for the claim of difference of minimum wages for the period from 1-6-2004 to 31-12-2005 for Rs. 31,55,451/- in pursuance of the Division Bench of the Hon'ble High Court, orders dt. 15-3-2004.

In this connection, he has stated that in accordance with G.O. Rt. No. 530, I & C.A.D. (P.W. W.C.2) Department, dt. 3-7-1998 the N.M.R. workers are being paid last drawn wages every 5th of succeeding month without extracting work from them. The Division Bench of Hon'ble High Court has issued orders on 15-3-2004 in W.A.M.P. No. 761/2004 in W.A. No. 393/2004, that to engage the workers and pay minimum wages under minimum wages act. In this connection, a detailed report has been submitted to the Government in his letter dt. 18-6-2004. A counter has been filed on 18-5-2006 through the Assistant Government Pleader concerned stating that there are no works being executed

departmentally and the petitioners are being paid 17 - B wages without work and they are not entitled any difference of wages without work and M.P. is liable to be dismissed. The Labour Court - III was allowed the M.P. No. 6/2006 on 14-9-2006. A report has been submitted to Government vide his letter dt. 28-10-2006 and requested to examine the entire issue and necessary orders for taking further necessary action.

The CE., N.S.P. has further stated that as per the instructions of the Government vide Lr. No. 58185/Ser. V(3)/95-60, dt. 4-11-2006 the Department has filed W.P. No. 25323/2006, before the Hon'ble High Court, through the Advocate General challenging the orders of Labour Court - III in M.P. No. 6/2006. The High Court has granted interim suspension on 8-12-006 in W.P. M.P. No. 32421/2006 in W.P. No. 25323/2006. The petitioners have filed E.P. No. 60/06 in M.P. No. 60/06 during 11/2006 for execution of M.P. No. 6/06. Due to stay granted by the High Court, the E.P. is not executed.

He has also added that subsequently, the petitioner workmen have filed M.V.M.P. No. 2627/06 in W.P.M.P. No. 32421/06 in W.P. No. 25323/06 and the Hon'ble High Court has directed the Department on 13-2-2007 to deposit 50% of the wages awarded by the Labour Court-III, in M.P. No. 06/06 within a period of 8 weeks from the date of order. As per the advise of Special Government Pleader, W.A. No. 267/07 has filed by the Department on

26-3-2007 in A.P. High Court against the Single Judge Orders dt. 13-2-2007. The W.A. is dismissed on 23-4-2007. The matter has brought to the notice of the Government vide his letter dt. 21-6-2007 duly addressing the Advocate General for obtaining Legal opinion to avoid further legal complications.

The Chief Engineer, Nagarjunsagar Project has stated that the Labour Court - III, Hyderabad has allowed the E.P. No. 60/06 on 28-7-2007 and issued conditional attachment order on the petition schedule properties belonging to the respondents on payment of Batta by the petitioners. The Copy of orders may be seen at pages 1367-1375 c.f.,

The Chief Engineer, N.S.P. has requested the Government to issue suitable order for sanctioning of Rs. 31,55,231/- to avoid further legal complications.

In this connection, it is submitted that earlier based on the proposal of the Chief Engineer, N.S.P. letter dt. 21-6-2007, the issue has been examined and referred to Law Department for their remarks on obtaining the opinion of the learned Advocate General. The Law Department has informed that there is no objection to seek the considered opinion of the learned Advocate General as proposed by the CE., N.S.P.

Now the CE., N.S.P., in his letter dt. 22-8-2007 has requested the Government to examine the matter and issue orders for sanctioning of an amount of Rs.

31,55,231/- as the Labour Court - III have issued conditional attachment order on the petition scheduled properties belonging to the respondents on payment of Batta by the petitioners in E.P. No. 60/06 in M.P. No. 06.06.

Submitted for orders.

please see the notes at pages 192 - 196 ante and the remarks of Finance Department at para 698 on page 197 ante and the further letters together with its enclosures received from the Chief Engineer, Nagarjunasagar Project at page 1379 to 1419 c.f.,

The Chief Engineer, Nagarjunasagar Project, Hill Colony, Nalgonda District in his letter dt. 25-8-2007 has stated that the Labour Court - III, Hyderabad has issued

Warrant of attachment of Movable properties in Execution of Decree for money (Order 21 Rule 43 of C.P.C.) In Government Memo. dt. 23-8-2007 have issued instructions to him to take adjournment of the case by one month to avoid legal complications and directed to obtain the opinion of the Government Pleader for Irrigation & C.A.D. Department, A.P. High Court and further course of action in the matter and furnish a detailed report to Government.

In this connection, the Chief Engineer, Nagarjunasagar Project has stated that as per the advice of Additional Advocate General attached to the Advocate General Writ Appeal No. 267/2007 has been filed before the Division Bench of Hon'ble High Court on 26-3-2007 and also filed in W.A.M.P. No. 504 of 2007 for attaining stay orders. In the result the appeal is dismissed on 23-4-2007. Hence, Hon'ble Labour Court - III, Hyderabad the E.P. No. 60/06 in M.P. No. 6/06 on 28-7-2007 is in-force. In the letter dt. 21-6-2007, a detailed report was already submitted to the Government for obtaining necessary legal opinion in this regard to avoid legal complication in future.

He has further stated that, at present as per the suggestion (Through Telephonic discussions) of the Assistant Government Pleader Labour Court - III, Hyderabad, Sri Rajender Singh, Deputy Chief Engineer, given an undertaking vide a bond for the safe custody of

Movable Properties attached and left in charge of person interested and sureties in Form No. 15 - A before the Labour Court- III, Hyderabad. E.P. No. 60/2006, M.P. No. 6/2006 as a temporary relief of the above attachment. He has requested the Government to issue necessary sanction orders for Rs. 31,55.231/- to deposit the same before Hon'ble Labour Court - III, Hyderabad for withdrawing the above conditional attachment and to avoid further legal complications.

The Chief Engineer, Nagarjunasagar Project in his further letter dt. 3-9-2007 has stated that the Executive Engineer, Nagarjunasagar Canal Division, Miryalaguda has stated that Sri P. Narayana Rao, Senior Assistant of his office has attended the Labour Court - III, Hyderabad on 28-8-2007 in connection with the above attachment orders in E.P. No. 60/2006 in M.P. No. 06/2006. The Court has extended time up to 14-9-2007.

In view of the above, as per the remarks of Finance Department para 698 on page 197 ante, it is for orders:-

- a) whether action may be taken to seek the advice of the Advocate General as proposed at Para 694 on page 194 ante.

(or)

- b) Orders in circulation may be obtained from Hon'ble C.M. for sanction of an amount of Rs. 31,55,231/-.

Submitted for orders on Para () above.

NOTE FOR CIRCULATION

The case relates to the proposal of Chief Engineer, Nagarjuna Sagar Project, Hill Colony, Nalgonda for deposit an amount of Rs. 31,55,231/- in the Labour Court III for payment to the petitioner toward differential amount of wages in E.P. No. 60/06 in M.P. No. 06/06 dt. 28-2-2007. The brief facts of the case are as follows:-

Until 1984 it was the practice in the Department to engage casual labourers on daily wages on seasonal works and dispensed with, after the work for which they were engaged was over. During 1987, several thousands of workers belonging to Srisailem Project, Nagarjunasagar Project (NSP), and other Departments filed several W.Ps before the Hon'ble Supreme Court of India for providing them with work. According to the interim directions on 30.07.87 in W.P.No.657/87, 74 workmen pertaining to NSC Dam Division were taken back with effect from 1.9.87 without any work on daily wages for excavation of canals and they are willing to go to the places where the manual work can be provided by the Government.

In accordance with the E.N.C. orders, 74 N.M.Rs. were relieved on 31.10.87 with the directions to report at Telugu Ganga Project, where work was available, but the NMRs did not join at Telugu Ganga Project (TGP) and the Union has filed a S.L.P. before the Supreme Court for providing them work at Miryalaguda. The Supreme Court of India has referred it to Labour Court-III, Hyderabad for examination where it was

registered as I.D.No. 349/93. The Department has pleaded that there was no work in the NSP Division and there were already several hundreds of Surplus workers who were being paid without work. The Labour Court-III, Hyd has awarded dated 1.9.93 for their reinstatement in the Division and payment of back wages of the last drawn wages. The Govt. has rejected the award under the powers conferred under Section 17-A of I.D.Act, 1947 by its order dt. 20.1.1994.

The petitioners Union had filed W.P. No.1090/94 before the High Court challenging the constitutional validity of the Section 17-A of ID Act 1947. It was represented by the Addl. Advocate General. The High Court has disposed it on 23.4.1997 with directions to implement the award of Labour Court-III, Hyderabad, within a period of one month from the date of receipt of the order. The Dept., has filed a W.A.No.656/97 against the orders in WP No.1090/94 before the High Court. The Bench declined to give any interim orders but suggested to file a W.P. challenging the award. Therefore the W.P.No.10045/98 was filed on 10.4.98 by the Department and both the W.A. & W.P. were clubbed and heard on 16.4.98. The Division Bench has granted stay of Labour Court award with certain conditions for implementation. The Govt. had issued orders in G.O.Rt.No.530, I & CAD (PW.Estt.2) Dept., dt. 3.7.98 for implementation of the conditional stay.

It is submitted that the Advocate General in his letter dated 10.7.2005 has informed that his opinion and the steps to be taken in W.P.No. 10045/1998 and W.A. No.393/2001 has already rendered his opinion that he has perused the letter dated 2.6.2005 and material enclosed thereto. He has further stated that his opinion was already given from his office with regard to the implementation of Interim direction in W.A. No. 393/2004 dated 15.3.2004 filed against W.P.No. 10045/1999 dated 29.08.2003 and he does not see any reasons for giving his opinion once again. He has also informed that at any rate a reading of the document would show that W.P. No. 10045/99

was preferred by Department aggrieved by the award passed by the Labour Court -III Hyderabad in I.D. No. 349/93 dated 1.9.1993 the said Writ Petition preferred by the Department dismissed on 29.08.2003 against which the department preferred in O.A.No. 393/2004 and the Division Bench of Hon'ble High Court through its order dated 15.3.2004 stayed the judgment of the learned single judge stated supra . However, it was clarified that if the respondents in the Writ Appeal are willing to join the work they shall be offered work by the applicants and for the actual engagement they shall be paid minimum wages as prescribed under the minimum wages Act. Since the Writ appeal filed by the Government is admitted a stay of award of labour Court was granted albeit with certain conditions, the Government cannot go in appeal against the said order he informed that this view was already expressed by his office earlier.

In this connection, it is also submitted that the Hon'ble High Court in its Interim orders dated 13.3.2004, has passed following orders:

"That if the respondents desire to join the work, they shall be offered work and shall be engaged by the Writ Petitioners and for the period of actual engagement .They shall be paid minimum wages as prescribed under Minimum wages Act. The order of learned Single Judge dated 29.08.2003 shall be remain stayed. The amount deposited earlier with the Labour Court in I.D. No. 249/93 may not be withdrawn , but this appeal shall be come up for final hearing positively in the third week of June2004"

Government have issued orders vide G.O. Ms. No. 51, I & CAD (Ser. V) Department dt. 30-6-2006 directing the Chief Engineer, N.S.P. Hill Colony, Nalgonda to implement the interim orders of Hon'ble High Court dated 15-3-2004 in W.A. M.P. No. 761/2004, in W.A. No. 393/2004.

The Engineer-in-Chief (AW) in his letter dt. 10-10-2006 has stated that the CE., NS., Hill Colony, Nalgonda has requested the Engineer-in-Chief (IW) to give instructions to accommodate 56 NMR workers in the event of non availability of vacancies in Nagarjunasagar Left Branch Canal O & M Circle, Miryalaguda.

The Engineer-in-Chief (IW) in turn has requested the Government to give necessary directions to the CE., N.S.P. Hill colony, Nalgonda to accommodate the 56 NMR workers as the CE., NSP says there are no vacancies.

He has also stated that there was no work to provide for the petitioners, however they are being paid last drawn wages of 1986 SS Rates as per Govt. Irri. & CAD (PW. WC. II) dett. G.O.Ms. No. 530, dt. 3-7-1998 are being paid without extracting any work and the petitioners are insisting work at Miryalaguda only and requested the Government to issue clear instructions in this regard. I.e., payment of wages and providing of work to the petitioners.

He has further stated that this M.P. was filed by the petitioner's before the Labour Court allowed on 14-9-2006 by the Hon'ble Labour Court III, Hyderabad and directed, it is determined that the respondents shall pay an amount of Rs. 31,55,231/- to the petitioners as arrear under minimum wages. Act is pursuant to the orders of Hon'ble High Court of A.P. in WAMP No. 761/2004 in W.A. No.

393/2004 in ID. No. 349/93 of the Labour Court and the said amount shall be paid to the petitioners on or before 27-10-2006.

As stated by the CE., NSP that with reference to the award of Labour Court III, Hyderabad dt. 14-9-2006 in M.P. No. 6/2006. It has been contacted the Special Government Pleader of Advocate General on 28-10-2006 regarding further course of action on the above case. The Special Govt. Pleader of Advocate General has opined that there is a possibility of filing W.P. against the said award of Labour Court, III, but he opined that the Govt. has issued G.O. Ms. No. 51, Irr. & CAD. (Ser. V) Department Dt. 30-6-2006. Under these circumstances the Special Govt. Pleader of Advocate General wants a detailed letter from the Government to take further necessary action in the matter.

He has, therefore, requested the Government to address the Advocate General, High Court of A.P. for further course of action to be taken (1) for filing a writ petition against the Labour Court award (2) there is no departmental work to engage the petitioner and Special Government Pleader of Advocate General to file appropriate petition to avoid contempt.

The Advocate General has been requested vide Govt. Memo. dt. 4-11-2006 to advice on items (1) and (2) of CE., NSP. Nalgonda letter dt. 28-10-2006 in the matter for taking further action in the matter.

The Executive Engineer, Miryalaguda in his letter addressed to the Advocate General, High Court of A.P. ha furnished approved fair W.P. along with the connected material papers for filing before the Hon'ble High Court of A.P. against the orders, Dt. 14-9-2006 of the Labour Court III, Hyderabad in M.P. No. 6/2006. He has requested the Advocate General, High Court of A.P. file the same before the Hon'ble High Court of A.P. and intimate the date of filing so as enable his office to submit a report to his higher authorities and Government.

The Engineer-in-Chief (IW) vide his letter dt, 20-11-2006 has furnished the detailed report furnished by the CE., NSP., in M.P. No. 6/2006 filed by Sri .M. Nageswara Rao, Fitter and 52 others,

The CE., NSP. Nalgonda vide his letter dt. 22-12-2006, has stated that the Executive Engineer, NSC Division, Miryalaguda has stated that the W.P. No. 25323/2006 filed by the Department before the Hon'ble High Court of A.P. through the Advocate General against the orders dated 14-9-2006 of the Labour Court - III, Hyderabad in M.P. No. 06/2006 came up for admission on 8-12-2006. The Hon'ble High Court has heard the arguments of both the counsel and granted interim suspension of the Labour Court orders in M.P. No. 06/2006, dt. 14-9-2006 vide W.P.M.P. No. 32421/2006 in W.P. No. 25323/2006. The copies of the W.P. filed by the Department and the interim suspension granted by the

Hon'ble High Court may be perused at pages 1247 - 1262
c.f.,

The working Secretary, Telugu Nadu T.U.C. Miryalaguda in his representation dt. 22-6-2007 has requested the Government to reinstate the 54 families as per the earlier orders issued by the Government and also for payment of decree amount as per the orders of Labour Court and also for payment of minimum wages from 1-1-2006.

The CE., NSP. Nalgonda in his letter dt. 21-6-2007 has stated that vide G.O. Rt. No. 530, I & CAD (FW.WC-II) Deptt. Dt. 3-7-